

REMARKS

The Office Action of August 7, 2008 has been reviewed and its contents carefully noted. Reconsideration of this case, as amended, is earnestly requested. Claims 1-4 were cancelled previously. Claims 5-11 are pending in the application.

Rejection Under 35 USC § 103

Claims 5-6 were rejected under 35 U.S.C. § 103(a) as being anticipated by Kanamori (JP 2000-170222A) in view of Plyler *et al.* (U.S. Pat. No. 5,884,661).

Claims 7-10 were rejected under 35 U.S.C. § 103(a) as being anticipated by Kanamori in view of Plyler *et al.* as applied to claims 5-6, and further in view of Kanazuki (JP408033160A).

Claim 11 was rejected under 35 U.S.C. § 103(a) as being anticipated by Kanamori in view of Plyler *et al.* and Kanazuki as applied to claims 5-10, and further in view of Mulvey *et al.* (U.S. Pat. No. 6,106,027).

Applicant respectfully disagrees with the rejections, and believes that the claims are patentable over Kanamori, Plyler *et al.*, Kanazuki and Mulvey *et al.*, both individually and in any combination thereof, for the reasons of record, given previously, and the reasons below.

Applicant's independent claim 5 recites a wall-concealed water service box, comprising a **case that has a built-in flexible hose** connecting a soft tube with a water tap and a valve plate. Referring to Figures 1 and 2 of Applicant's specification, the water service box (1) comprises a case (2) having a built-in (*i.e.*, integral) flexible hose (9) connecting a soft tube (34) with a water tap (33) and a valve plate (12). Specification at paragraph [0018], Figs. 1 and 2. The soft tube (34) is a hot or cold water pipe guided from the outside. Specification at paragraph [0032]. It may be verified in the figures that the water service box (1) comprises a case (2) that has a built-in (*i.e.*, integral) flexible hose (9) and a valve plate (12) that opens and closes. Specification at paragraph [0020], Figs. 1 and 2. That is, valve plate (12) is a means to close or open the case (2). Specification at paragraph [0024]. The invention thus provides a unified, wall-concealed water service box, having a built-in flexible hose for connecting soft hot and/or cold water pipes and the water tap, so as to allow the service box to be opened and closed, without disturbing the pipe

connections, thereby unifying, rather than merely housing the connections. Further, with its built-in tubing, the water service box of the invention can be easily assembled and disassembled, and its internal situation can be checked directly by placing a hand through its maintenance hole, so that it will be easy to determine the situation, to retrofit and maintain, and be effective to finish the work neatly with an access plate. Specification at paragraph [0016].

Kanamori discloses a plumbing structure for liquid-supply pipes, whereby ingress of rainwater to inside the outer walls can be prevented, while providing a passage hole in the outer walls of buildings. The liquid-supply box (8) of Kanamori is composed of a box main body (8a) and a cover (8b). In addition, the box main body (8a) is composed of a main body member (8c) that houses the joint (9), a sheath tube attachment member (8d) into which the sheath tube (5) inserts, and a stopper (8e) that stops the inserted sheath tube (5). Specification at paragraph 0022.

The Examiner concedes that Kanamori does not disclose a built-in flexible hose connecting a soft tube with a water tap and a valve plate. Indeed, the built-in flexible hose as recited in Applicant's claims is conspicuously missing from Kanamori. That is, the liquid supply pipe (6 or 22) of Kanamori cannot simultaneously be both the built-in flexible hose (9) and the soft tube (34) to which it is connected, as recited in Applicant's claims and described in the specification. Thus, clearly there is only one tubing member disclose in the cited reference, whereas Applicant's claim 5 recites two separate tubing members, one being the built-in flexible hose (9) and the other being the soft hot and/or cold water pipes (34). Further, the liquid supply pipe (6 or 22) of Kanamori is not built-in as an integral part of the plumbing structure. Furthermore, the elbow (12) of Kanamori is not a water tap, rather it is merely an elbow, having no means for controlling the flow of liquid, as a water tap normally would have. Thus, the water tap also is absent from Kanamori.

In summary, the liquid supply pipe of Kanamori (6 or 22 in the cited reference) corresponds to the soft hot and/or cold water pipe (34 in Applicant's specification), and the sheath tube (5 or 23 in cited reference) corresponds to the corrugated tube of Applicant's specification. Thus, the plumbing structure of Kanamori clearly does not have a built-in hose, or anything built-in for connecting a soft tube with a water tap and valve plate. More particularly,

the liquid supply pipe (6 or 22 in the cited reference) of Kanamori is not built-in, *i.e.*, it is not an integral part of a unified field service box. Thus, the box of Kanamori merely serves as a housing for field-constructed connections. There is no built-in hose included in the box, and the pipes housed therein cannot be serviced without disturbing their connections. Nor does Kanamori disclose a water tap and valve plate, as recited in the instant claims and described in the specification. More particularly, the elbow (12) of Kanamori is not a water tap, and the cover (8b) is not a valve plate that can be opened and closed. Therefore, Kanamori does not disclose each and every limitation of Applicant's claim 5 and thus claim 5 cannot be obvious over Kanamori standing alone.

Furthermore, Plyler *et al.* does not cure the deficiencies of Kanamori. More particularly, Plyler *et al.* does not disclose a wall-concealed water service box, comprising a case that has a **built-in flexible hose** connecting a soft tube with a water tap and a valve plate. Therefore, Applicant's claim 5 cannot be obvious over Plyler *et al.* standing alone or the combination of Kanamori and Plyler *et al.*

Additionally, Kanazuki also does not cure the deficiencies of Kanamori and Plyler *et al.*, because Kanazuki also does not disclose a case that has a **built-in flexible hose** connecting a soft tube with a water tap and a valve plate. Rather, the combination of Kanamori with Plyler *et al.* and Kanazuki would merely result in the plumbing structure having an access plate. However, this does not correspond to Applicant's invention as recited in claim 5, since there is no built-in hose disclosed in either reference. Therefore, Applicant's claim 5 cannot be obvious over Kanazuki standing alone or the combination of Kanamori, Plyler *et al.* and Kanazuki.

Finally, Mulvey *et al.* also does not cure the deficiencies of Kanamori, Plyler *et al.* and Kanazuki, as **there is no built-in flexible hose disclosed** in Mulvey *et al.* or any of the other cited references.

It is respectfully submitted that the rejection of Applicant's independent claim 5 as being obvious is thus overcome. Reconsideration and withdrawal of the obviousness rejection of claim 5 are therefore earnestly requested.

Dependent claims 6-11, being dependent upon and further limiting claim 5, should be allowable for the that reason, as well as for the additional limitations recited therein. Reconsideration and withdrawal of the obviousness rejections of claims 5-11 are therefore respectfully requested.

Applicant's attorney telephoned Examiner Cloud K. Lee on multiple occasions to schedule a telephone interview to discuss the merits of the case, including on or around October 29, 2008, November 5, 2008, November 12, 2008, December 5, 2008, December 17, 2008 and January 22, 2009. In a telephone interview on or around November 5, 2008, Examiner Lee stated that there appears to be patentable subject matter in the application, however, Applicant must amend the claims to expressly recite the term "integral" in order to clarify the scope of the claims (even though the claims already recite the term "built-in"). Hence, the Examiner instructed Applicant's attorney to forward a proposed amendment. Applicant's attorney attempted to fax the proposed amendment and discuss the merits of the case with the Examiner on multiple occasions without success between the dates of November 5, 2008 and December 17, 2008. Finally, on January 22, 2009, Applicant's attorney telephoned Supervisory Patent Examiner Gregory L. Huson, who confirmed that Examiner Lee no longer works there and stated that Applicant should merely respond to the outstanding Office Action.

Based on the foregoing circumstances, should the new examiner assigned to this application disagree with the above Remarks, then Applicant respectfully requests that the next Office Action be non-final, because Applicant's attorney was unable to hold a telephone interview discuss the case with former Examiner Lee.

Conclusion

Applicant believes the claims are patentable over the prior art, and that this case is in condition for allowance of all claims therein. Such action is thus respectfully requested. If the Examiner disagrees, or believes for any other reason that direct contact with Applicant's attorney would advance the prosecution of the case to finality, he is invited to telephone the undersigned at the number given below.

"Recognizing that Internet communications are not secured, I hereby authorize the PTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

Respectfully submitted,
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